

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 8/13/03 Item
C.C. 8/___/03 Item

File Number
PDC 03-025

Application Type
Planned Development Rezoning

Council District
4

Planning Area
Berryessa

Assessor's Parcel Number(s)
244-02-004

PROJECT DESCRIPTION

Completed by: Caleb Gretton

Location: South side of Trade Zone Boulevard approximately 840 feet westerly of North Capitol Avenue

Gross Acreage: 1.84

Net Acreage: 1.84

Net Density: 9.8 DU/AC

Existing Zoning: IP

Existing Use: Industrial Office

Proposed Zoning: A(PD)

Proposed Use: Up to 18 Single-Family Detached residential units

GENERAL PLAN

Completed by: CG

Land Use/Transportation Diagram Designation
MHDR (12-25) Medium High Density Residential

Project Conformance:
☐ Yes ☒ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: CG

North: Industrial and Commercial Office uses

IP Industrial Park

East: Multi-Family Attached Residential

A(PD) Planned Development

South: Multi-Family Attached Residential & Industrial Park uses

A(PD) Planned Development & IP Industrial Park

West: Union Pacific Railroad tracks & Industrial Park uses

IP Industrial Park

ENVIRONMENTAL STATUS

Completed by: CG

☐ Environmental Impact Report found complete on
☒ Negative Declaration circulated on June 13, 2003
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: CG

Annexation Title: Orchard No. 62

Date: May 15, 1974

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☐ Approval with Conditions
☒ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☐ Action
☐ Recommendation

APPLICANT/DEVELOPER

OWNER

Riding Group
Sean Morely
One Almaden Blvd, Suite 705
San Jose, CA 95113

Rey Mogadam
646 Lambeth Ct
Sunnyvale, CA 94087

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: CG

Department of Public Works

See attached memorandum.

Other Departments and Agencies

Environmental Services Department Memo (attached), Police Department Memo (attached), Fire Department Memo (attached)

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, The Riding Group, is proposing to rezone a 1.84 gross acre site located on the south side of Trade Zone Boulevard, approximately 840 feet westerly of North Capitol Avenue, from IP Industrial Park to A (PD) Planned Development Zoning District, to allow the development of up to 18 single-family detached residences.

The subject site is currently developed with a 25,000 square foot industrial office building and surface parking. Surrounding land uses include multi-family attached residential to the east and south, and industrial uses to the north and west. The site is bordered on its western edge by Union Pacific Rail Road tracks and a high-voltage power line. The Union Pacific railroad tracks are planned for future use for the BART extension to San Jose.

PROJECT DESCRIPTION

The proposed zoning would allow the construction of 18 single-family detached residences. The project would obtain access off of Trade Zone Boulevard by way of a private driveway ranging in width from 30-36 feet. The proposed residential units will be two stories in height with a maximum height of approximately 24.5 feet. The project includes private open space in the form of side yards and also provides limited common open space. The project includes a two-car garage for each unit and 14 guest-parking spaces in the form of perpendicular parking stalls located along the private drive.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on June 30, 2003. The Mitigated Negative Declaration is scheduled for adoption on July 20, 2003. The primary issue addressed in the environmental review are potential noise impacts upon the proposed units from road noise from Trade Zone Boulevard and the future BART line planned to use the existing Union Pacific rail line to the west. While analysis concluded that the project would not exceed the City's threshold for a significant noise impact, it did identify that the project would be subject to very high noise levels. This is discussed further in the Analysis Section below.

GENERAL PLAN CONFORMANCE

The subject site has a designation of MHDR-Medium High Density Residential (12-25 DU/AC) on the General Plan Land Use/Transportation Diagram. The proposed project does not conform to the required density range of 12-25 DU/AC. See Analysis below.

ANALYSIS

The primary issues associated with this project include 1) conformance to the General Plan, 2) conformance to the General Plan Noise Policies, and 3) Conformance with the Residential Design Guidelines.

General Plan Conformance

The subject property has a General Plan designation of Medium High Density Residential (12-25 DU/AC) on the City of San Jose 2020 General Plan Land Use/Transportation Diagram. This density is typified by two story apartments and condominiums with surface parking. Per the General Plan, properties located within 2,000 feet of a planned or existing transit station should be developed at a minimum of 20 units per acre under this designation.

Higher density projects are extremely important to the success of the Light Rail System and increased transit use, a key objective of the General Plan. In order to preserve the limited opportunities for intensive development within 2,000 feet of Light Rail Stations, the General Plan strongly discourages development types and patterns that do not support transit use. By concentrating higher densities along the Light Rail corridors and future BART nodes, the City can preserve its natural amenities, such as open space, and can reduce the potential impacts of growth on air quality and traffic congestion in order to maintain a higher quality of life.

The subject site is located approximately 900 feet westerly of the Cropley Light Rail Station currently under construction as part of the North Capitol Avenue light rail corridor. The proposed project consists of 18 single-family detached residences on a 1.84 gross acre site resulting in an approximate density of 9.8 DU/AC.

The proposed project is well below the recommended 20+ DU/AC for projects within 2,000 feet of a Light Rail Station, and does not meet the required density range of 12-25 DU/AC. In some cases the City does allow new residential development to calculate overall project density by removing areas designated for public use (e.g. dedication for a public street or park) from the density calculation. However, this project does not include any such public space. The project receives access from a private driveway that varies considerably from the City's standards for public streets and does not provide any public open space dedicated to the City for recreational uses.

The applicant has requested that the proposed private street be removed from the density calculation, creating a net density of approximately 12 DU/AC. The applicant argues that private streets have been removed in the calculation of the density for other approved residential development projects within the City of San Jose, and requests similar treatment for the subject proposal. In some cases, planning staff has allowed private streets to be removed from the density calculation for residential developments. Staff has reviewed those cases and determined that there are substantive differences in the character of the proposed driveway from what the City can consider to be the equivalent of a public street. In those cases, the private streets were similar to a public street in both form and function.

A public street is characterized by a minimum 54-foot wide right-of-way and should include sidewalk, park strip, and parallel parking on both sides, and be capable of supporting a variety of uses and multiple residential units. Staff believes that the proposed project's private street is not similar to the form and function of a public street

and does not warrant its removal from the density calculation for the following reasons:

1. The width of the proposed right-of-way for the private street ranges in size from 30-36 feet. A standard public street right-of-way is no less than 54 feet in width.
2. The proposed private street is located directly under high voltage power lines, a condition not found on public streets.
3. The proposed private street services a total of three of the proposed eighteen units on the property, similar to the function of a private drive.
4. The proposed private street has perpendicular parking stalls located off of the street. In San Jose, public streets provide parking in the form of parallel parking only. Backing out of a parking stall onto a public street is considered a safety hazard.
5. The proposed street provides a sidewalk on only one side and does not provide any form of park strip or street trees. Street trees can not be planted under the PG& E power lines making it impossible to provide adequate landscaping along the street. Public streets generally have sidewalks, park strips and street trees on both sides of the street.

For the reasons listed above, staff believes that the proposed private street falls well short of the character of a public street and the area of the private street should not be removed from the calculation of the project density.

Conformance to the General Plan Noise Policies

The General Plan includes policies that address the acceptable noise levels for new residential development sites. The policy states that the City's objectives are 55 dBA for long-range exterior noise levels, 60 dBA as the short-range exterior noise quality level, 45 dBA for the interior noise quality level, and 76 dBA as the maximum exterior noise level necessary to avoid significant adverse health effects. The policy indicates that new residential development with exterior noise levels of 70 dBA or higher are permitted only if all uses are entirely indoors and building design limits interior noise levels to less than 45 dBA.

A Noise and Vibration Assessment was conducted by *Illingsworth & Rodkind* in April 2003 to identify any potential noise and vibration impacts resulting from the proposed project. The report indicates, "vehicular traffic on Trade Zone Boulevard generates weekday noise levels ranging from 65-68 dBA and weekend noise levels from 63-66 dBA on the project site. It is anticipated that the future BART line will result in noise levels of 73 dBA at the building facades facing the rail line." The report indicates that private open space adjacent to the Trade Zone Boulevard and the rail line could be exposed to noise levels that exceed 70 dBA, and recommends that no private outdoor areas be located along the north or west sides of the project site. The report also indicates that exterior peak noise levels at the facades of the units nearest the BART line (100 feet) could experience 86 dBA when trains are passing.

The project proposes to locate a portion of the common open space approximately 100 feet from the rail line, which could subject residents utilizing this open space to noise levels in excess of 80 dBA when trains are passing. Staff believes that this open space is not a viable location for usable open space due to excess noise levels at the time that BART completes its planned extension to San Jose.

Conformance to the Residential Design Guidelines

The City Council has adopted Residential Design Guidelines (RDG) in February 1997. The guidelines provide direction for new residential development in the City and address issues such as architecture, street presence and appropriate open space. Per the RDG, the open space requirement states "residents of new housing projects should have access to usable open space, whether public or private, for recreation and social activities. The

design and orientation of these areas should be sheltered from noise and traffic of adjacent streets or other incompatible uses.” Per the RDG, garden townhouses should provide a minimum of 300 square feet of private open space with a minimum width of 15 feet.

The proposed project includes a 15’ x 13’ side yard, provided through a recreational use easement on the adjacent unit’s property, that serves as the units private open space. The total square footage for the private side yards is 195 square feet. In order to conform to the Guidelines, these spaces should have a minimum dimension of 15 feet in both directions and a minimum area of 300 square feet. Additionally, the project provides front yards for the nine units located along Trade Zone Boulevard. However, this area is not considered appropriate for private open space because it is exposed to noise levels in excess of 70 dBA from traffic along the street. The proposed project does not conform to the Residential Design Guideline open space requirements.

CONCLUSION

Staff concludes that the proposed project is an inappropriate development type for the subject site. The proposed project does not conform to the General Plan density requirements, and does not adhere to the policies and objectives of the General Plan with regards to Transit Oriented Development. Additionally the project does not conform to the Residential Design Guidelines with regards to usable private open space. Staff recommends that the site be developed with a higher density project in a different product type. In addition to meeting the General Plan density requirements, the design of a higher density project, with a solid building form along the north and west property lines, could provide public and private open space that is better shielded from noise associated with the rail line and Trade Zone Boulevard. A higher density project could also provide a more efficient parking and circulation plan that does not require perpendicular parking on a private driveway. Based on the analysis above, staff recommends that the Planning Commission recommend denial of the proposed rezoning to the City Council.

PUBLIC OUTREACH

Notices for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss potential concerns raised by members of the public. No community meeting was held to discuss this project with the surrounding neighborhood.

RECOMMENDATION

Planning staff recommends denial of the subject rezoning for the following reasons:

1. The proposed project does not conform to the City of San Jose 2020 General Plan.
2. The proposed project does not conform to the Residential Design Guidelines.
3. The proposed project does not conform to the performance standards of the Municipal Code and does not meet the noise policies of the City of San Jose 2020 General Plan for new residential development.